

SN. 10/670,157

ATTORNEY DOCKET NO. YAMA:058

REMARKS

Claims 1-11 are now pending in this application for which applicant seeks reconsideration.

Amendment

The specification has been amended to remove a typographical error. Claims 1 and 3-7 also have been amended. Applicants submit that the changes made to the claims are merely editorial to improve their form and remove minor informalities. Note that the changes made to the preamble are for improving the form of the claims. New claims 8-11 have been added to further define the present invention. No new matter has been introduced.

Art Rejection

Claims 1, 2, 3, and 7 were rejected under 35 U.S.C. § 102(b) as anticipated by Eller (USP 5,889,860), and claims 4-6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Eller in view of Oishi (USP 6,792,539). Applicant traverses these rejections because Eller would not have disclosed or taught extracting music playing data file, as well as encrypting and storing the extracted data file.

Independent claims 1, 2, and 7, call for extracting a music playing data file (such as a MIDI data file, for example) from a given music work resource, which can be for example electronic music score data in a server database 11 to be acquired via the Internet, a sheet music carrying a music score printed on paper to be read by a scanner 6, and audio data recorded on a CD to be played back by a CD player 7. See Fig. 1a. Further, these claims call for encrypting the extracted music playing data file before it is stored. Furthermore, independent claims 1 and 2 call for automatically playing music of the given music work resource based on the decrypted music playing data file.

Contrary to the examiner's understanding, Eller does not disclose or teach extracting a music playing data file from a given music work resource. Rather, Eller teaches encrypting the entire music data file without extracting any music data file, transmitting the encrypted music data file to a client, such as a PC, which decrypts the music data file on the fly, and subsequently purging the decrypted data from the memory of the client so that no decrypted data is saved. Eller does not disclose or teach encrypting any extracted data before or after decrypting the received encrypted file at the client side.

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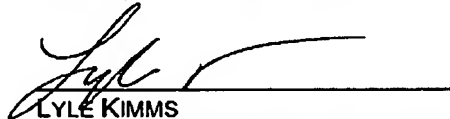
While Oishi discloses first and second encryption means, it discloses or teaches nothing about extracting a music playing data file. Accordingly, Oishi would not have alleviated Eller's shortcomings noted above, even if the combination were deemed proper.

Conclusion

Applicant submits that claims 1-11 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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LYLE KIMMS

REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

11 NOVEMBER 2005

DATE

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